

**Notice of Allowability**

Application No.

09/937,817

Examiner

Craig Curtis

Applicant(s)

HORN ET AL.

Art Unit

2872

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to After-Final Amendment filed on 7/22/04.
2. ☒ The allowed claim(s) is/are 13-29, which have been renumbered as claims 1-17.
3. ☒ The drawings filed on 27 September 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## DETAILED ACTION

1. An extension of time under 37 CFR 1.136(a) is required in order to make an Examiner's amendment that places this application in condition for allowance. During a telephone conversation conducted on 1 September 2004, Applicants' attorney, Joseph H. O'Toole, requested an extension of time of 2 MONTHS (in addition to the \$110.00 one-month extension fee previously paid on 22 July 2004) and authorized the Director to charge **Deposit Account No. 080719** the required fee of **\$840.00** for this additional extension and authorized the following Examiner's amendment. Should the changes and/or additions be unacceptable to Applicants, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

## EXAMINER'S AMENDMENT

2. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicants, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joseph H. O'Toole (Reg. No. 31,404) on 1 September 2004.

The claims have been amended as follows:

Art Unit: 2872

In claim 13, line 5, insert --,-- between “220<sup>0</sup>C” and “a concentration...”; and in line 6, insert --,-- between “300 eq/g” and “and a maximum...”

In claim 15, line 3, insert --,-- between “PA 612” and “and modified...”

In claim 16, line 4, insert --,-- between “PA 612/12” and “and mixtures thereof.”

In claim 19, line 3, insert --,-- between “lubricants” and “and inorganic fillers.”

In claim 16, line 3, insert --,-- between “PA 612/12” and “and mixtures thereof.”

In claim 21, line 2, delete “3000 m” and substitute –3000  $\mu\text{m}$ —therefor.

In claim 22, line 2, delete “10 m” and substitute –10  $\mu\text{m}$ —therefor.

In claim 23, line 4, insert --,-- between “220<sup>0</sup>C” and “a concentration...”; and in line 5, insert --,-- between “300 eq/g” and “and a maximum...”

Between claim 24 and claim 26, insert inadvertently omitted previously presented claim 25 as follows:

25. (Previously Presented) A protective sheath according to claim 23 wherein said modified polyamides are selected from the group consisting of modified PA 11, modified PA 12, modified PA 610, modified PA 612 and modified PA 1212.

In claim 26, line 4, insert --,-- between “PA 612/12” and “and mixtures thereof.”

In claim 29, line 3, insert --,-- between “lubricants” and “inorganic fillers.”

## Allowable Subject Matter

3. **Claims 13-29 are allowed.**

### Reasons for Allowance

4. **The following is an examiner's statement of reasons for allowance:** The claims are allowable over the prior art for at least the reason that the prior art fails to teach or to reasonably suggest, **with regard to claims 13-18**, *an optical wave guide having at least one plastic optical fibre comprising, inter alia, a protective sheath, said sheath comprising polymeric compounds selected from the group consisting of modified polyamides, modified copolyamides and mixtures thereof having a melting point less than 220<sup>0</sup>C, a concentration of amino terminal groups between 50 and 300 eq/g, and a maximum concentration of carboxyl terminal groups no greater than 15 eq/g; and with regard to claims 23-29*, *a protective sheath for an optical wave guide having at least one plastic optical fibre, said sheath comprising polymeric compounds selected from the group consisting of modified polyamides, modified copolyamides and mixtures thereof having a melting point of less than 220<sup>0</sup>C, a concentration of amino terminal groups between 50 and 300 eq/g, and a maximum concentration of carboxyl terminal groups no greater than 15 eq/g, as set forth in the claimed combination.*

Any comments considered necessary by Applicants must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should clearly be labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2872

## Contact Information

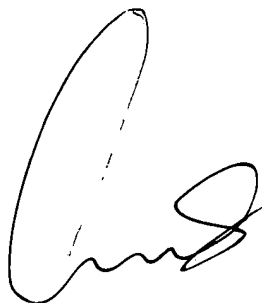
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig Curtis whose telephone number is (571) 272-2311.

The examiner can normally be reached on Monday-Friday, 9:00 A.M. to 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A. Dunn, can be reached at (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*C.H.C.*  
Craig H. Curtis  
Group Art Unit 2872  
1 September 2004



Audrey Chang  
Primary Examiner  
Technology Center 2800